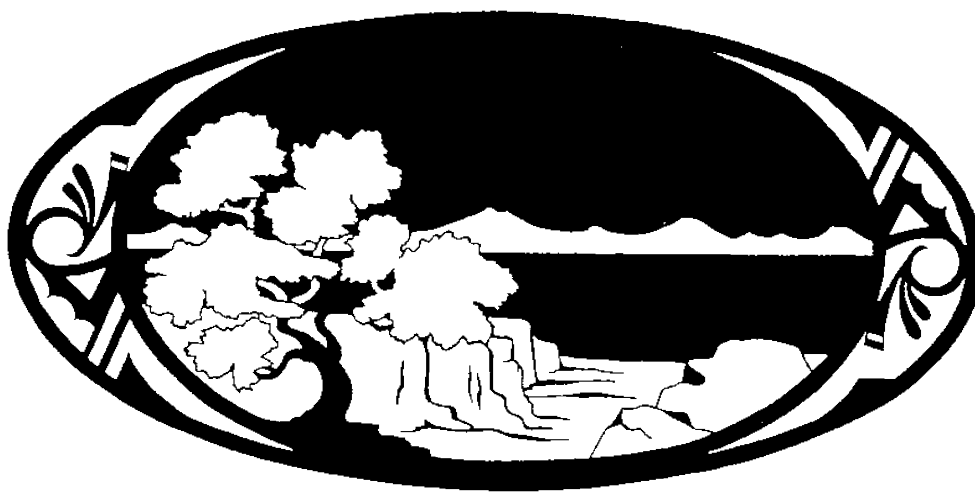


Record of Decision

El Malpais Plan

A Resource Management Plan

September 2001



United States Department of the Interior
Bureau of Land Management
Albuquerque Field Office



BLM/NM/PL-01-007-1610



United States Department of the Interior

Bureau of Land Management
New Mexico State Office
1474 Rodeo Road
P.O. Box 27115
Santa Fe, New Mexico 87502-0115

IN REPLY REFER TO:
1610 (010)

SEP 26 2001

Dear Reader:

In July 2001 BLM sent a document to you through the mail entitled **Record of Decision, El Malpais Plan, A Resource Management Plan**, dated June 2001. The June 2001 document is being replaced by the enclosed corrected document of the same name dated September 2001. Corrections were made in the document on page one under the "DECISION" heading.

DECISION 2) read, "The Plan specifies motor vehicle use designations. Wilderness areas will be closed to motor vehicles. Motor vehicle use will be limited to *existing roads* and trails in the remainder of the Planning Area. In addition, approximately 84 miles of road within the Planning Area will be closed and reclaimed."

DECISION 2) is changed to read, "The Plan specifies motor vehicle use designations. Wilderness areas will be closed to motor vehicles. Motor vehicle use will be limited to *designated routes* and trails in the remainder of the Planning Area. In addition, approximately 84 miles of road within the Planning Area will be closed and reclaimed."

DECISION 3) read, "The Plan makes wilderness recommendations to the Congress. The Chain of Craters Wilderness Study Area (WSA) is not recommended as suitable for designation as wilderness, but additional acreage contiguous to the existing Cebolla wilderness was reviewed for suitability; and 4,090 acres are recommended suitable."

DECISION 3) is changed to read, "The Plan makes wilderness recommendations to the Congress. The Chain of Craters Wilderness Study Area (WSA) is not recommended as suitable for designation as wilderness, but additional acreage contiguous to the existing Cebolla Wilderness was reviewed for suitability and *approximately 4,000 acres are recommended suitable, and are now the Canyons Wilderness Study Area.*"

DECISION 4) read, "The Plan recommends changes in the NCA boundary. An additional 24,000 acres within the Planning Area are recommended for inclusion in the NCA. Another 19,100 acres outside the Planning Area are also recommended for inclusion. A portion of this acreage (about 2000 acres) would be acquired either through purchase of surface ownership or easement from a willing seller for a treadway for the Continental Divide National Scenic Trail."

DECISION 4) is changed to read, The Plan recommends changes in the NCA boundary. An additional 24,000 acres within the Planning Area are recommended for inclusion in the NCA. Another 19,100 acres outside the Planning Area are also recommended for inclusion. About 2,000 of these acres would only be recommended for inclusion if the surface ownership is acquired. Otherwise an easement would be sought for the Continental Divide National Scenic Trail Treadway. Either action requires a willing seller.

These corrections make the decision as stated in the Record of Decision (ROD) consistent with the Proposed Action as stated in the Proposed Plan and analyzed as Alternative D, the agency preferred alternative, in the Final EIS.

Also enclosed is a copy of the September 2001 ROD for the Proposed El Malpais Plan and Final Environmental Impact Statement called "The El Malpais Plan." It replaces the ROD issued in June 2001. The ROD records the decision to amend the Rio Puerco Resource Management Plan and to implement activity level decisions called for in the Proposed Action (Alternative D) of the Proposed El Malpais Plan and Final Environmental Impact Statement. "The El Malpais Plan" is a 15- to 20-year plan for managing the El Malpais National Conservation Area (NCA) and certain adjoining lands. The Plan recommends that the Congress add acreage to the NCA and designate additional acreage as part of the wilderness system. These recommendations can only be implemented as part of the Plan after the Congress has acted.

As a conclusion to this planning process BLM will prepare a Resource Management Plan/Stand Alone Plan. This Plan will identify the actions to be implemented in the area covered by this amendment.

Your interest in and contributions to the environmental assessment and planning process are appreciated.

Sincerely,



M. J. Chavez
State Director

Enclosures

EL MALPAIS PLAN

RECORD OF DECISION

INTRODUCTION

This document records the decision of the Bureau of Land Management (BLM) to amend the Rio Puerco Resource Management Plan (RMP), as it relates to management of El Malpais National Conservation Area (NCA) established by the El Malpais Act (Public Law 100-225, December 31, 1987), and certain adjoining lands. The Planning Area boundary includes approximately 248,000 acres of public lands administered by BLM's Albuquerque Field Office (AFO). Also within the Planning Area are 1,800 acres of Indian-owned and -managed land and another 36,500 acres privately owned and managed. The Planning Area includes 24,200 acres outside the NCA boundary as designated by Congress. This acreage and an additional 19,100 acres outside the Planning Area were studied for possible addition to the NCA.

DECISION

The decision is to approve the Proposed Plan as described in the "Proposed El Malpais Plan and Final Environmental Impact Statement" (September 2000) as the land use plan for the NCA and certain adjoining lands. With the signing of this record of decision, the "Proposed" El Malpais Plan becomes the "Approved" El Malpais Plan and amends decisions in the Rio Puerco RMP. The decisions amending the RMP are:

- 1) The Plan designates visual resource management (VRM) classes for the Planning Area. Classes were assigned to lands that were acquired after completion of the RMP, and some previously assigned classes were adjusted.
- 2) The Plan specifies motor vehicle use designations. Wilderness areas will be closed to motor vehicles. Motor vehicle use will be limited to designated routes and trails in the remainder of the Planning Area. In addition, approximately 84 miles of road within the Planning Area will be closed and reclaimed.
- 3) The Plan makes wilderness recommendations to the Congress. The Chain of Craters Wilderness Study Area (WSA) is not recommended as suitable for designation as wilderness, but additional acreage contiguous to the existing Cebolla Wilderness was reviewed for suitability; approximately 4,000 acres are recommended suitable, and are now the Canyons Wilderness Study Area.
- 4) The Plan recommends changes in the NCA boundary. An additional 24,200 acres within the Planning Area are recommended for inclusion in the NCA. Another 19,100 acres outside

the Planning Area are also recommended for inclusion. About 2,000 of these acres would only be recommended for inclusion if the surface ownership is acquired. Otherwise, an easement would be sought for a Continental Divide National Scenic Trail treadway. Either action requires a willing seller. Implementation of the NCA boundary change recommendations would require Congressional action. All public lands within the NCA boundary as set or modified by Congress, as well as those lands acquired in the future within the boundary, would be retained in Federal ownership.

In addition to the decisions which amend the Rio Puerco RMP, the El Malpais Plan also includes activity-level decisions related to the use and protection of the resources of the Planning Area. Because these decisions were included for analysis in the environmental impact statement (EIS) associated with the Plan, as funding becomes available to implement them, they will require only site-specific cultural resources clearances, threatened and endangered species clearances, and in some cases American Indian consultation, to complete compliance with the National Environmental Policy Act of 1969 (NEPA). A few of these activity-level decisions may be implemented without further notice prior to the end of this year, but the public will be notified of planned implementation of most of the activity-level decisions through AFO's Annual RMP Update early each calendar year.

The El Malpais Plan was prepared under the regulations for implementing the Federal Land Policy and Management Act (FLPMA) of 1976 (43 CFR 1600). The EIS for the Plan was prepared in compliance with NEPA. The Plan meets the requirements of the El Malpais Act that BLM prepare a General Management Plan for the NCA, an implementation plan for a continuing program of interpretation and public education, a proposal for public facilities, and management plans for natural resources, cultural resources and wildlife resources. The Rio Puerco RMP is the management plan for the entire Albuquerque Field Office. RMP decisions applicable to the El Malpais Planning Area continue to be valid except as they are amended by this Plan. The AFO is preparing a "stand alone plan" which will combine the RMP amendment decisions and activity decisions of the El Malpais Plan with the still applicable Rio Puerco RMP decisions.

THE ALTERNATIVES CONSIDERED AND PROPOSED PLAN

Several alternatives were considered. Four were analyzed in detail including the Proposed Plan (Alternative D) which was developed using parts of the other alternatives to balance management of the NCA. Four additional alternatives were considered but were not analyzed in detail.

Alternatives Analyzed in Detail

Alternative A—No Action (Existing Management)

This alternative represents continuation of the management practices defined in the Rio Puerco RMP, with minimal modifications needed to meet the requirements of the El Malpais Act. The management direction for this alternative was derived from existing management decisions and guidance. It provides a baseline for comparison with other alternatives but would not adequately resolve the issues identified in this Plan.

Alternative B—Resource Use

BLM management under Alternative B, the Resource Use Alternative, would support direct human actions. Economic uses such as grazing and recreational use served by outfitters and concessionaires would be emphasized. More developments related to recreation, livestock, and wildlife were proposed, and extractive activities such as archeological excavations would be allowed. A large number of existing roads would remain open under this alternative, and vegetative management would include prescribed fires, wildland fires under prescription, and seedings. Livestock developments could be built if monitoring indicated that management changes were needed and NEPA compliance requirements were met.

Alternative C—Natural Processes

Under Alternative C, the Natural Processes Alternative, the BLM would minimize human activities in the Planning Area. This is the “environmentally preferable” alternative required by NEPA. The agency would close a maximum number of roads and place restrictions on scientific investigations and other activities that would remove materials from the Planning Area. Developments such as interpretive signing,

archeological ruin stabilization, erosion control, trail development, and range and wildlife improvements would be minimized. Dispersed recreational use would be emphasized, grazing reduced, and no deliberate manipulation of vegetative communities would be implemented. However, the El Malpais Act makes it clear that Congress intended that BLM would provide some visitor facilities, interpretation, and public education within the NCA. Therefore, this alternative, while minimizing environmental impacts, does not promote or encourage the public use that Congress intended in designating the NCA.

Alternative D—Balanced Management (PROPOSED PLAN)

Alternative D was developed by combining actions selected from the other alternatives to balance management of the NCA. While a number of roads would remain open under this alternative, some roads would be closed to allow natural restoration. Recreation, while a focus of this alternative, would not be emphasized as much as in Alternative B. Livestock developments could be built if monitoring indicated that management changes were needed and NEPA compliance requirements were met. Wildlife improvements would be developed as required to maintain wildlife numbers and diversity, but not to the extent proposed under Alternative B. Vegetative management would include some prescribed fires, wildland fires under prescription, and seedings, but at a lower level than proposed under Alternative B.

Alternatives Considered But Not Analyzed in Detail

Four additional alternatives were considered based on comments received in the scoping process but eliminated from detailed analysis. These alternatives are listed below with the reasons they were not analyzed in detail as part of the planning process.

Eliminate Grazing from the Planning Area

Some individuals suggested that grazing be eliminated completely from the NCA. However, this measure is not consistent with the El Malpais Act, which specifies that livestock grazing shall be permitted to continue within the NCA, including in wilderness areas.

In addition, resource conditions within the Planning Area do not warrant area-wide prohibition of live-

stock grazing. The Rio Puerco RMP, the Socorro RMP (which covers a small portion of the Planning Area south of the NCA), and recent permit renewals contain the management prescriptions needed to meet resource management objectives, including the vegetative objectives established in the El Malpais Plan. Therefore, BLM did not analyze elimination of grazing from the Planning Area as part of an alternative.

Designate the Chain of Craters Area as an ACEC

The option to designate Areas of Critical Environmental Concern (ACECs) was established in FLPMA for those areas where special management is needed to protect and prevent irreparable damage to an important value, resource, system or process, or to protect human life and safety from natural hazards. For the Chain of Craters area, inclusion in the NCA, with the management attention and direction associated with that status, was considered sufficient to protect such values. The NCA has been withdrawn from mineral development and commercial woodcutting because of the potential for irreparable damage to natural and cultural values. Therefore, the BLM did not consider the designation of the Chain of Craters as an ACEC within the NCA.

Designate the Chain of Craters Area as an American Indian Wilderness

The El Malpais Act established the Chain of Craters as a WSA and required the BLM to review its suitability for designation as wilderness. Several American Indian groups use the Chain of Craters, as well as other areas within the NCA, for traditional cultural practices. At issue was the need for motor vehicle access to sacred places, privacy for traditional practices, as well as continued access to areas used for hunting, piñon nut picking, and gathering of other traditional plants and minerals. The frequency of need for access varies by Indian group.

The Ramah Navajo Chapter and Acoma Pueblo requested unrestricted vehicle access to the Chain of Craters. This is contrary to uses allowable under the Wilderness Act. Unless specifically allowed in the Wilderness Act or an individual wilderness designation law, temporary or permanent roads and the use of motorized equipment, motor vehicles, or other forms of mechanical transport are prohibited under Section 4(c).

Only the Congress can designate the Chain of Craters as wilderness or release it from wilderness review. Should the Congress ultimately designate the area as wilderness, the BLM will make the legislators aware of requests by local American Indians to use motor vehicles for access to these lands for traditional cultural practices. Continuation of such use would require special provisions in the designating legislation, or the area would have to be managed under the Wilderness Act, and BLM policy and regulation. Designating the Chain of Craters as an American Indian Wilderness with unrestricted motor vehicle access as an alternative was therefore not considered in this plan.

Allow Unrestricted Collection of Prehistoric Pottery

The El Malpais Act directs the BLM to allow American Indians access to the NCA for traditional cultural practices. For this reason, the agency gave serious consideration to allowing unrestricted collection of pottery from the surface of prehistoric sites as a traditional cultural practice, either within the NCA as a whole or within particular portions.

However, collection of pottery is also explicitly prohibited by the Archaeological Resources Protection Act (ARPA). The El Malpais Act places a great deal of emphasis on the enforcement of ARPA, and the history of the Act makes it clear that protection of scientific values is one of the principal reasons for establishment of the NCA. Interpreting "access" to mean unrestricted collection could not be reconciled with provisions of ARPA or with the intent of the El Malpais Act. Therefore, unrestricted collection of pottery could not be allowed based on ARPA, and thus was not analyzed in detail in this plan.

MANAGEMENT CONSIDERATIONS

The decision to approve the El Malpais Plan amending the Rio Puerco RMP is based on a consideration of a number of factors. Chief among these are: 1) The intent of Congress as indicated by the requirements of the El Malpais Act and the Congressional Report related to the Act.; 2) A review of the EIS which indicated a low level of impacts; 3) The input received from the public, other Federal agencies, and Tribal, State and local governments. Alternative D–The Proposed Plan was selected to provide for use of the resources of the NCA by the American people while

keeping unavoidable impacts at low levels and providing for changes in management if impacts reach levels that are considered undesirable.

IMPLEMENTATION AND MONITORING

The El Malpais Plan as it amends the Rio Puerco RMP is approved to provide specific management decisions for the Planning Area (El Malpais NCA and adjoining lands as identified in the Proposed El Malpais Plan/Final EIS) for the next 20 years. Many activity-level implementation decisions are included in the Plan. These decisions have already undergone NEPA analysis in the EIS portion of the document. Implementation will require only completion of cultural clearances, threatened and endangered species clearances, and in some cases American Indian consultation. Plan monitoring will be performed by periodic managerial reviews to ensure that subsequent land-use management decisions conform to the Plan and to established guidelines. On-the-ground actions resulting from management decisions will be monitored by BLM personnel to establish the effectiveness of mitigation measures at minimizing environmental impacts.

PUBLIC INVOLVEMENT

Public opinion, input, and involvement have been sought throughout the planning and decision making process. Public participation was documented in detail in Chapter 5 of the Proposed El Malpais Plan/Final EIS. The AFO prepares an Annual RMP Update document to inform the public of progress made

in RMP implementation and to notify the public of implementation actions planned for the following year and invite their participation. Actions implementing the El Malpais Plan (which amends the RMP) will now be included the Update.

CONSISTENCY

No inconsistencies with the plans, programs, or policies of other Federal, State, Tribal, or local governments were identified during the planning process.

PUBLIC AVAILABILITY OF THIS DOCUMENT

Copies of this document have been sent to those on the mailing list for the Proposed El Malpais Plan/Final EIS. Copies of this document can be obtained from the Bureau of Land Management, Albuquerque Field Office, 435 Montañito NE, Albuquerque, NM 87107. It is also available at website www.nm.blm.gov/aufo/el_malpais_feis/elma_feis.html.

CONCLUSION

This Record of Decision constitutes the final BLM action involved in the approval of the El Malpais Plan—the amendment to the Rio Puerco RMP for El Malpais NCA and adjoining lands. Any person adversely affected by the decision of the BLM Officer in implementing some portion of an RMP may appeal such action to the Interior Board of Land Appeals pursuant to 43 Code of Federal Regulations 4.400 at the time the action is proposed for implementation.

Approved:

(Signed by, M. J. Chavez) _____
M. J. Chávez
State Director

September 26, 2001
Date